

**POULSBO DISTRIBUTION SCHEDULE**

**ORDINANCE NO. 2018-14**

**SUBJECT: Release of Poulsbo Convalescent Center Rezone Agreement**

**CONFORM AS TO DATES & SIGNATURES**

- Filed with the City Clerk: 7/5/18
- Passed by the City Council: 7/11/18
- Signature of Mayor
- Signature of City Clerk
- Publication: 7/20/18
- Effective: 7/25/18
- Recorded: \_\_\_\_\_

**DISTRIBUTED COPIES AS FOLLOWS:**

- NK Herald: 7/12/18
- Code Publishing
- City Attorney
- Clerk's Department: Original
- City Council
- Finance:
- Posted to Library Drive and Website
- \_\_\_\_\_

Rhiannon Fernandez  
City Clerk

7/12/18  
Date

**ORDINANCE NO. 2018-14**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE POULSBO CONVALESCENT CENTER REZONE CONCOMITANT AGREEMENT RELEASE, PLANNING FILE P-03-29-18-01; AUTHORIZING THE MAYOR TO EXECUTE AND RECORD AN INSTRUMENT RELEASING THE CONCOMITANT AGREEMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, property located across Lincoln Road from Safeway, on the southwest corner at the Lincoln Road and 10th Avenue intersection, and formerly addressed 927 NE Lincoln Road, known as Poulsbo Convalescent Center was rezoned from Residential 1 to Public Use in 1983 by the passage of City of Poulsbo Ordinance 83-53; and

**WHEREAS**, the rezone was subject to a concomitant agreement which imposed certain conditions on development of the property and the "Concomitant Zoning Agreement for Poulsbo Convalescent Center Rezone" was recorded against the property under Auditor File Number 8401310113; and

**WHEREAS**, the property was never developed under the concomitant agreement approval, and purchased by the current owner in 2014; and

**WHEREAS**, the property is currently designated commercial on the City's Comprehensive Plan Map and zoned C-3 SR 305 Corridor on the City's Zoning Map; and

**WHEREAS**, concomitant agreements are considered a contract between the property owner and the City, are recorded to the property and are identified in a title report; and

**WHEREAS**, the owner of the property wishes to develop consistent with current development requirements, has applied for a release of the concomitant agreement, and

**WHEREAS**, pursuant to PMC 19.40.060, the Poulsbo City Council held a public hearing on the proposed release on June 6, 2018 and, after considering all testimony presented at the hearing, determined to grant the application and release the concomitant agreements with no condition, now, therefore,

**THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** **Findings and conclusions adopted.** The findings and conclusions set forth in the staff report on Planning File P-03-29-18-01 dated May 30, 2018 are hereby adopted as support for the actions taken by this ordinance.

**Section 2.** **Release.** The application filed by the City of Poulsbo seeking release of the Poulsbo Convalescent Center concomitant agreement recorded under Kitsap County Auditor's File No. 8401310113 on January 31, 1983 is hereby granted. Upon recording of the instrument referred to in Section 3 of this ordinance, the concomitant agreement will be released and will no longer govern development of the property, and future redevelopment or new development will be governed by the City's adopted development regulations.

**Section 3.** **Mayor's authority.** The Mayor is hereby authorized and directed to execute an instrument in a form approved by the City Attorney releasing the concomitant agreement recorded under Kitsap County Auditor's File No 8401310113. The Mayor or her

designee is also authorized to provide for the recording of said instrument at the expense of the applicant.

**Section 4. Severability.** If any section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby.

**Section 5. Effective Date.** This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:



MAYOR REBECCA ERICKSON

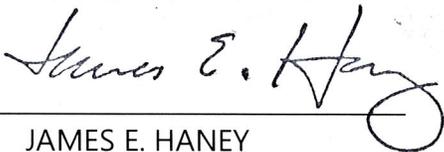
ATTEST/AUTHENTICATED:



CITY CLERK RHIANNON K. FERNANDEZ

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY   
JAMES E. HANEY

FILED WITH THE CITY CLERK: 7/5/2018  
PASSED BY THE CITY COUNCIL: 7/11/2018  
PUBLISHED: 7/20/2018  
EFFECTIVE DATE: 7/25/2018  
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SUMMARY OF ORDINANCE NO. 2018-14  
of the City of Poulsbo, Washington

On July 11, 2018, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2018-14, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE POULSBO CONVALESCENT CENTER CONCOMITANT AGREEMENT RELEASE, PLANNING FILE P-03-29-18-01; AUTHORIZING THE MAYOR TO EXECUTE AND RECORD AN INSTRUMENT RELEASING THE CONCOMITANT AGREEMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be mailed upon request.

DATED this 11th day of July, 2018.

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CITY CLERK, RHIANNON K. FERNANDEZ, CMC